

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
v.)	2:24-CR-127
)	
GEORGE JOHNSON, III,)	
)	
Defendant.)	

OMNIBUS MEMORANDUM ORDER ON PRETRIAL MOTIONS

Before the Court are pretrial motions filed by Defendant. ECF 50; ECF 52; ECF 54; ECF 55; ECF 56. The Court issues this omnibus order resolving the motions specified below.

Defendant asks for production of additional discovery, all exculpatory evidence under *Brady* and its progeny, and Rules 404(b) and 609 materials, as well as preservation of the rough notes of all law enforcement officers in this case. Consistent with Third Circuit precedent and prior orders from this Court,¹ the Court **GRANTS** the motions in part, as follows:

- **Additional Rule 16 discovery information.** Defendant requests that the government disclose a list of discovery materials (ECF 52). The government represents that it believes Defendant has all of the discovery he is entitled to under the Federal Rules of Criminal Procedure, and responds directly to Defendant's list of requested materials. ECF 58, pp. 1, 32-34. Defendant's motion for additional discovery is granted insofar as the

¹ *E.g.*, *United States v. DiPippa*, No. 23-146, 2024 WL 1431385 (W.D. Pa. Apr. 3, 2024) (Ranjan, J.); *United States v. Addison*, No. 2:23-CR-118, 2024 WL 4278289 (W.D. Pa. Sept. 24, 2024) (Ranjan, J.).

government shall continue to comply with its Rule 16, *Brady*, *Giglio*, and Jencks Act obligations.

- ***Brady* and *Giglio* material.** Consistent with Third Circuit precedent, *Brady* material must be disclosed upon discovery, while impeachment material (including *Giglio* material) must be disclosed no later than two weeks before trial, which is sufficient time for Defendant to use that material effectively. *United States v. Higgs*, 713 F.2d 39, 44 (3d Cir. 1983) (“right to a fair trial will be fully protected if disclosure [of impeachment material] is made the day that the witness testifies”); *United States v. Fenstermaker*, No. 21-41, 2023 WL 4950499, at *2 (W.D. Pa. Aug. 3, 2023) (Cercone, J.) (“[A]ctual exculpatory evidence” should be disclosed “without undue delay[,]” but impeachment material must be disclosed “in time for its effective use at trial.”). Consistent with the Court’s pretrial order (ECF 78), *Brady* and *Giglio*-type impeachment material must be produced no later than February 10, 2025.
- **Rules 404(b) and 609 materials.** Consistent with the Court’s pretrial order, the Court orders that Rule 404(b) and Rule 609 materials be disclosed by February 10, 2025, two weeks before trial. *United States v. DiPippa*, No. 23-146, 2024 WL 1431385, at *2 (W.D. Pa. Apr. 3, 2024) (Ranjan, J.) (“Disclosure [of Rule 404(b) and Rule 609 evidence] two weeks before trial generally amounts to reasonable notice of the government’s intent to use this kind of evidence.”). Because Defendant is proceeding as a pro se defendant, the Court encourages the government to provide more than two weeks’ notice to him, so that Defendant has a fair opportunity to meet any such evidence. While Defendant also requests a pretrial hearing to determine the admissibility of such evidence, the Court finds that a

pretrial hearing is not warranted at this time. *See United States v. Craig*, No. 21-338, 2024 WL 449386, at *5 (W.D. Pa. Feb. 6, 2024) (Conti, J.).

- **Rough notes.** The Court hereby orders that the government preserve the rough notes of the federal law-enforcement officers involved in this case. However, for any local law-enforcement officers over which the federal government has no control, the Court only orders that the government request that all local law-enforcement officers who participated in the investigation of this case retain and preserve their rough notes.

The parties may agree to disclose any of the foregoing materials at an earlier time than those set by these deadlines.

DATE: January 23, 2025

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge

cc:
George Johnson, III
DOC# 135997
Allegheny County Jail
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